REMARKS

In the Office Action mailed October 14, 2004, all pending claims 1-12 and 18-23 were rejected by the Examiner, while the Examiner objected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(5). In this response, Applicant respectfully traverses the rejection and objection, and requests reconsideration of the present application in view of the arguments below.

Objections to the Drawings

Regarding the drawings, the Examiner asserted that item 50 of Fig. 2 does not include a legend "MONITOR." Applicant respectfully traverses this objection.

To begin, 37 C.F.R. §1.84(p)(5) is as follows:

> Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.

The present application clearly complies with this rule. In the present application, the reference character 50 is clearly described in the specification as being a monitor. *See,* e.g., page 5, paragraph 0017. That is, the specification clearly mentions the reference character 50, as required. Further, the reference character 50 is clearly illustrated in the drawings, as shown in Fig. 2. As a result, the reference character 50 is clearly presented within the specification and drawing, as required by 37 C.F.R. §1.84(p)(5).

Furthermore, the monitor designated by reference character 50 would be readily understood by one of ordinary skill in the art to be a monitor. The monitor 50 is, in fact, similar to the mouse 51 and keyboard 52, which are also shown in Fig. 2, and are represented as simplified hardware components and not simply as diagram blocks. Because the reference character 50 would be understood by one of ordinary skill in the art to be a monitor, the drawings do comply with 37 C.F.R. §1.84(p)(5). Accordingly, Applicant respectfully requests withdrawal of the Examiner's objection to the drawings.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 1-12 and 18-23 under 35 U.S.C. 102 (b) as being unpatentable over U.S. Patent No. 5,894,266 to Wood, Jr. et al. (herein referred to as "the Wood reference" or "Wood"). Applicant respectfully traverses the rejection.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one element not found in the cited reference, the reference does not anticipate the claimed invention.

In the rejection of independent claims 1 and 18, the Examiner asserted that the Wood reference discloses all of the recited features. Specifically, the Examiner asserted that the "programmable interface" of the claims corresponds to the remote intelligent communications device 14 of Wood, while the "programming system" of the claims corresponds to the host controller 10 of Wood. In addition, the Examiner relied upon certain passages of Wood to assert that it discloses that the interface may communicate with different devices "using different communication protocols," as recited in claims 1 and 18.

Despite the Examiner's assertions, however, Applicant respectfully asserts that the rejection is deficient at least because the Wood reference does not disclose all of the recited features. For example, the Wood reference does not disclose "a programming

system selectively coupleable to the interface to enable a wireless communication system user to program the interface to communicate with any one of a plurality of devices using different communication protocols to communicate data," as recited in claim 1. Similarly, the Wood reference does not disclose an "interface is programmable by a wireless communication system user to enable the interface to communicate with an asset and a transmitter using different communication protocols," as recited in claim 18. Hence, the Wood reference does not and cannot anticipate the subject matter of independent claims 1 and 18.

To begin, the Examiner erroneously asserted that the Wood reference discloses an interface that uses different communication protocols to communicate with one of a plurality of devices. In support of this position, the Examiner relied upon a specific passage of the Wood reference, which is set forth below:

> In addition, microcontroller 60 controls operation of alternative modem port 80 for selectively interfacing with the alternative modem device 54. Preferably, the interface between microcontroller 60 and modem 54 is an RS-232 digital interface. In such conditions, microcontroller 60 enables the alternative modem port for external communications, and configures (104 of FIG. 8) the alternative data modem for an appropriate baud rate, e.g. 2400, 4800, or 9600 bits per second.
>
> One method of enabling and configuring modem 54 involves sending an appropriate command and accompanying configuration data to the remote intelligent communications device 14 by way of the primary RF interface 18. Microcontroller 60 interprets the command appropriately and enables the alternative modem port 80 by forwarding appropriate configuration data to an associated control register (not shown) within the remote intelligent communications device 14. Additionally, microcontroller 60 forwards the appropriate configuration data, as might be associated with the desired baud rate and appropriate communications protocol, to modem 54 for enabling proper communications with host 10.

Wood, Jr. et al., col. 7, lines 42-64.

This passage simply describes the use of an alternative modem port 80 to provide a modem 54 with an appropriate baud rate and protocol. In the passage, the baud rate of the modem may be adjusted between various settings. *See id.* While the Wood reference does discuss various baud rates, the *baud rate is not a communication protocol* because it is simply a physical setting associated with the data transmission rate over an analog line. As such, the various baud rates are not equivalent to different communications protocols.

Further, the cited passage describes the use of an "appropriate communications protocol." *See id.* This appropriate communications protocol is simply a single communications protocol. Nothing in the Wood reference even remotely suggests the use of different protocols for interfacing the remote intelligent communications device 14 with any of a plurality of devices. One skilled in the art would conclude from this passage simply that a "suitable" protocol would be used (i.e. for all interfaced devices), and that Wood is not particularly concerned about which one of how it functions. Accordingly, the Wood reference, at best, teaches the use of a single communication protocol, not the use of multiple protocols. As such, the passage relied upon by the Examiner is devoid of and fails to disclose or suggest all of the recited features of independent claims 1 and 18.

Accordingly, in view of the remarks set forth above, Applicant respectfully submits that the Examiner has not established a *prima facie* case of anticipation. Therefore, Applicant respectfully requests the Examiner withdraw the rejection and allows the pending claims 1-12 and 18-23.

New claims 34-42

New claims 34-42 have been added in this response. Of these new claims, only claims 34 and 42 are independent. Claim 34 sets forth a system in a manner similar to the

recitations of claim 1. However, the recitations of claim 34 have been crafted to focus more particularly on the programmable interface being utilized with medical devices in a medical facility. Accordingly, claims 34-41 are believed to be clearly patentable for the reasons set forth above with respect to claims 1 and 18.

Furthermore, independent claim 42 is generally similar to claim 18, but included some additional recitations from claim 20. While the Examiner rejected claim 20 as being anticipated by Wood, the Wood reference does not disclose or suggest the subject matter recited in new independent claim 42. Specifically, independent claim 42 recites that "the communication protocol is selected by selecting a desired asset to communicate with the interface." In the rejection, the Examiner asserted that this claimed subject matter is disclosed in two passages of the Wood reference. Specifically, the first passage of the Wood reference provides:

> Data recovered by the clock and data recovery circuitry 68 is forwarded as input data 74 to microcontroller 60. Input data 74 may comprise command data, in addition to associated configuration data or other forms of information. Microcontroller 60 interprets the input data appropriately for controlling operation of remote intelligent communications device 14. Such control may include configuration of desired digital ports 84, configuration of desired analog ports 86, partialing or allocation of memory 62, configuration of appropriate antenna structures at RF port 64, selection of desired input/output frequency channels, time duration and operation of wake up circuitry 86, and/or charging of, or distribution of current from, battery 83.
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> Wood, Jr. et al., col. 7, lines 31-41.

This passage simply describes that the configuration data may be stored in the remote intelligent communications device 14. While the configuration data may be different for specific ports, nothing in this passage suggests or describes that the

communication protocol is selected based on a desired asset to communicate with the interface.

Further, the second passage reads:

> a plurality of radio frequency (RF) communication ports selectively enabled per configuration data of said control register, one of said ports comprising a cellular modem RF communications port, and another of said ports comprising a non-cellular RF communications port;
>
> sending configuration data to said remote intelligent communications device by way of said non-cellular RF communications port;
>
> storing said configuration data in said control register and enabling said cellular modem RF communications port;
>
> storing data concerning an aspect of said object within said memory.
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> Wood, Jr. et al., col. 11, lines 37-51.

The second passage (a portion of a claim) simply specifies that the configuration data is provided to the remote intelligent communications device. While the configuration data may be different for different ports, nothing in this passage suggests that a communication protocol is selected based on a desired asset to communicate with the interface. Accordingly, the Wood reference, at best, teaches that configuration data is provided to a remote intelligent communications device, but is silent with regard to the selection of a communication protocol. As such, the passages relied upon by the Examiner are devoid of and fail to disclose or suggest all of the recited features of claim 42. Accordingly, claim 42 is believed to be clearly patentable for the reasons set forth above with respect to claim 18.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims 1-12, 18-23, and 34-42. If the Examiner believes that a telephonic interview will help speed this application toward

issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: January 14, 2005

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